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REMARKS

At the time of the Final Office Action, claims 1-4 and 6-24 were pending. Claims 1 and 22 - 23 were rejected under 35 USC 103(a) as being unpatentable over Lavin et al in view of Iliff. Claims 2-4, 6-8, 10-17, and 19-20 were rejected under 35 USC 103(a) as being unpatentable over Lavin in view of Evans. Claims 9 and 18 were rejected under 35 USC 103(a) as being unpatentable over Lavin in view of Evans and further in view of Walker et al. Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Lavin, Iliff, and Walker.

In the Office Action, claims 1 and 22 - 23 were rejected under 35 USC 103(a) as being unpatentable over Lavin et al. (U.S. Pat. No. 5,772,585) in view of Iliff (U.S. Pat. No. 6,206,829). With regard to claim 1, the Office Action states that Lavin does not explicitly disclose "a server configured to allow web-enabled data sharing to the stored database by authorized users using a remote or local web-enabled device." The Office Action proposes that Iliff suggests this feature by teaching a medical self-diagnosis system that utilizes a network access processor to access the network. The processor then executes, based on a patient's input, predefined diagnostic scripts using a script engine. However, the cited feature of running diagnostic scripts utilizing a network appears to be completely different from providing "web-enabled data sharing to the stored database" as recited in claim 1. Accordingly, the applicant submits that Iliff teaches away from the suggested combination by teaching the feature of executing scripts via a network instead of teaching the claimed feature of allowing "web-enabled data sharing to the stored database by authorized users using a remote or local web-enabled device." Furthermore, neither Lavin nor Iliff appear to contain any suggestion that their respective features can be combined as suggested in the Office action. Lavin does not appear to suggest running diagnostic scripts for patients over a network, nor does Iliff suggest using diagnostic scripts in a system for management of patient medical records. Even assuming, for arguments' sake, that the references were combinable, the references would not meet claim 1. It would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested to provide "web-enabled data sharing to the stored database" as recited in claim 1. Thus, for the above-cited reasons, applicant respectfully submits that claim 1 is in condition for allowance.

With regard to the rejection of claim 22, the applicant submits that the combination of Lavin and Iliff does not render claim 22, as amended, unpatentable, for at least the same reasons given above with regard to the rejection of claim 1. Assuming, for arguments' sake,

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that the references were combinable, the recited features of claim 22 would be lacking in the combination suggested by the Office Action. Specifically, neither Lavin nor Iliff, alone or in combination, appear to teach or suggest "a processor module configured to assign at least one entity ownership interest to medical diagnosis and treatment information stored in the database, to track users accessing the information stored in the database, to bill the users for each access of the database" or "to allocate access fees among entities having an ownership interest assigned to the medical diagnosis and treatment information accessed by the users." Therefore, claim 22 is believed to be in condition for allowance.

With respect to the rejection of claim 23, the applicant submits that the combination of Lavin and Iliff does not render claim 23, as amended, unpatentable for at least the same reasons given above with regard to the rejection of claim 1. Even if the references were assumed to be combinable, the recited features of claim 23 would be lacking in the combination suggested by the Office Action. Specifically, neither Lavin nor Iliff, alone or in combination, appear to teach or suggest "controlling access to the database according to ownership interests assigned to information in the database." Accordingly, claim 23 is believed to be in condition for allowance.

Regarding the rejection of claim 24, the applicant submits that the combination of Lavin and Iliff does not render claim 24, as amended, unpatentable for at least the same reasons given above with regard to the rejection of claim 1 and claim 23. Therefore, the applicant submits that claim 24 is in condition for allowance.

Claims 2-4, 6-8, 10-17, and 19-20 were rejected under 35 USC 103(a) as being unpatentable over Lavin in view of Evans (U.S. Pat. No. 6,347,329). Regarding the rejection of claim 2, the Office Action states that Lavin does not explicitly disclose "populating said database with respective progress notes resulting from further encounters between the respective patient and any respective physician so as to create a historical set of progress notes for that respective patient, the set of historical progress notes being interconnectable based on one or more logical operators." The Office Action proposes that Evans suggests this feature, apparently by teaching a database that allows healthcare providers to access and update patient files electronically. However, the cited feature of Evans does not appear suggest a "set of historical progress notes being interconnectable based on one or more logical operators" as recited in claim 2. Therefore, even if combined, the references would not meet claim 2, because neither reference appears to teach or suggest "historical progress notes being interconnectable based on one or more logical operators." Accordingly, it would be necessary to make modifications, not taught in the prior art, in order to combine the references to teach the

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features recited in claim 2. Furthermore, neither Lavin nor Evans appear to contain any suggestion that their respective features can be combined as suggested in the Office action. Thus, for the above-cited reasons, applicant respectfully submits that claim 2 is in condition for allowance.

Claim 3 depends from claim 2 and incorporates all the elements of claim 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 3 is not taught in the prior art of record. In addition, the cited feature of Evans does not appear to suggest a method wherein "identified parameters are selected to convey a snapshot of said encounter" as recited in claim 3. As a result, even if combined, the references would not meet claim 3, because neither reference appears to teach or suggest "identified parameters are selected to convey a snapshot of said encounter." Accordingly, neither claim 3 standing alone, nor the combination disclosed in claims 2 in conjunction with claim 3 appear to be taught in the prior art of record. Therefore, dependent claim 3 is believed to be in condition for allowance.

Claim 4 depends from claim 2 and incorporates all the elements of claim 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 4 is not taught in the prior art of record. In addition, the cited feature of Evans does not appear to suggest a method wherein "identified parameters are selected from the group consisting of diagnosis and prescription parameters" as recited in claim 4. As a result, even if combined, the references would not meet claim 4, because neither reference appears to teach or suggest "identified parameters are selected from the group consisting of diagnosis and prescription parameters" Accordingly, neither claim 4 standing alone, nor the combination disclosed in claims 2 in conjunction with claim 4 appear to be taught in the prior art of record. Therefore, dependent claim 3 is believed to be in condition for allowance.

Claim 6 depends from claim 2 and incorporates all the elements of claim 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 6 is not taught in the prior art of record. In addition, the cited feature of Evans does not appear to suggest "one of the logical operator comprises a chronology-indicative operator" as recited in claim 6. As a result, even if combined, the references would not meet claim 6, because neither reference appears to teach or suggest "one of the logical operator comprises a chronology-indicative operator." Accordingly, neither claim 6 standing alone, nor the combination disclosed in claims 2 in

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conjunction with claim 6 appear to be taught in the prior art of record. Therefore, dependent claim 6 is believed to be in condition for allowance.

Claim 7 depends from claim 2 and 7 incorporates all the elements of claim 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 7 is not taught in the prior art of record. In addition, the cited feature of Evans does not appear to suggest "one of the logical operator comprises a pathology-indicative operator" as recited in claim 7. As a result, even if combined, the references would not meet claim 7, because neither reference appears to teach or suggest "one of the logical operator comprises a pathology-indicative operator." Accordingly, neither claim 7 standing alone, nor the combination disclosed in claims 2 in conjunction with claim 7 appear to be taught in the prior art of record. Therefore, dependent claim 7 is believed to be in condition for allowance.

Claim 8 depends from claim 2 and incorporates all the elements of claim 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 8 is not taught in the prior art of record. In addition, the cited feature of Evans does not appear to suggest "one of the logical operator comprises a pharmacology-indicative operator" as recited in claim 8. As a result, even if combined, the references would not meet claim 8, because neither reference appears to teach or suggest "one of the logical operator comprises a pharmacology-indicative operator." Accordingly, neither claim 8 standing alone, nor the combination disclosed in claims 2 in conjunction with claim 8 appear to be taught in the prior art of record. Therefore, dependent claim 8 is believed to be in condition for allowance.

Claim 10 depends from claim 2. Accordingly, claim 10 incorporates all the elements of claims 2. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claim 2 and dependent claim 8 is not taught in the prior art of record. Therefore, dependent claim 10 is believed to be in condition for allowance.

Claim 11 depends from claim 10, which depends from claim 2. Accordingly, claim 11 incorporates all the elements of claims 2 and 10. As described above, neither Lavin nor Evans, alone or in combination, are valid references. Consequently, the combination taught by claims 2, 10 and 11 is not taught in the prior art of record. Therefore, dependent claim 11 is believed to be in condition for allowance.

Claim 12 has been rejected for the same reasons as described above with regard to the rejection of claim 2, stating that it is readily apparent from Lavin and Evans that the disclosed

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systems utilize program code to perform their specified function. For the same reasons provided above and incorporated herein regarding the rejections of claims 1 and 2, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Accordingly, because the underlying method in the claimed computer readable medium is different from anything disclosed in Lavin or Evans, the applicant submits that the computer readable medium of claim 12 is believed to be in condition for allowance.

Claim 13 depends from claim 12. Accordingly, claim 13 incorporates all the elements of claim 12. For the reasons described above, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium claim of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 13, applicant respectfully submits that the combination taught by claim 12 and dependent claim 13 is not taught in the prior art of record. In addition, claim 13 incorporates the underlying process step of claim 3. For the same reasons given above with respect to the Examiner's rejection of claim 3, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Therefore, dependent claim 13, incorporating the method of claim 3, is believed to be in condition for allowance.

Claim 14 depends from claim 12 and incorporates all the elements of claim 12. For the reasons described above with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 14, applicant respectfully submits that the combination taught by claim 12 and dependent claim 14 is not taught in the prior art of record. In addition, claim 14 incorporates the underlying process step of claim 4. For the same reasons given above with respect to the Examiner's rejection of claim 4, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Therefore, dependent claim 14, incorporating the method of claim 4, is believed to be in condition for allowance.

Claim 15 depends from claim 12 and incorporates all the elements of claim 12. For the reasons described above with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 15, applicant respectfully submits that the combination taught by claim 12 and dependent claim

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15 is not taught in the prior art of record. In addition, claim 15 incorporates the underlying process step of claim 6. For the same reasons given above with respect to the Examiner's rejection of claim 6, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Therefore, dependent claim 15, incorporating the method of claim 6, is believed to be in condition for allowance.

Claim 16 depends from claim 12 and incorporates all the elements of claim 12. For the reasons described above with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 16, applicant respectfully submits that the combination taught by claim 12 and dependent claim 16 is not taught in the prior art of record. In addition, claim 16 incorporates the underlying process step of claim 7. For the same reasons given above with respect to the Examiner's rejection of claim 7, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Therefore, dependent claim 16, incorporating the method of claim 7, is believed to be in condition for allowance.

Claim 17 depends from claim 12 and incorporates all the elements of claim 12. For the reasons described above and incorporated herein with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 17, applicant respectfully submits that the combination taught by claim 12 and dependent claim 17 is not taught in the prior art of record. In addition, claim 16 incorporates the underlying process step of claim 8. For the same reasons given above with respect to the Examiner's rejection of claim 8, the applicant submits that the method encoded in computer program code on computer readable medium is not taught or suggested by Lavin or Evans, either alone or in combination. Therefore, dependent claim 17, incorporating the method of claim 8, is believed to be in condition for allowance.

Claim 19 depends from claim 12 and incorporates all the elements of claim 12. For the reasons described above with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 19, applicant respectfully submits that the combination taught by claim 12 and dependent

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claim 19 is not taught in the prior art of record. Therefore, dependent claim 19 is believed to be in condition for allowance.

Claim 20 depends from claim 19, which depends from claim 12. Accordingly, claim 20 incorporates all the elements of claims 19 and 12. For the reasons described above and incorporated herein with respect to the rejection of claim 2, neither Lavin nor Evans, alone or in combination, are valid references for the computer readable medium of claim 12 that embodies the method of claim 2. Consequently, with regard to the Examiner's rejection of claim 20, applicant respectfully submits that the combination taught by claim 12, 19, and 20 is not taught in the prior art of record. Therefore, dependent claim 20 is believed to be in condition for allowance.

Claims 9 and 18 were rejected under 35 USC 103(a) as being unpatentable over Lavin in view of Evans and further in view of Walker et al (U.S. Pat. No. 5,949,875). Regarding the rejection of claim 9, the applicant has amended claim 9 to include the operational relationships of "assigning at least one entity ownership interest to respective progress notes stored in the database" and "allocating access fees among entities having an ownership interest assigned to the progress notes accessed by the users." The applicant submits that amended claim 9 is not suggested or taught by Lavin, Evans, and Walker, alone or in combination. Even assuming, for arguments' sake, that the references were combinable, the recited features of claim 9 would be lacking in the combination suggested by the Office Action. Specifically, the combination of Lavin, Evans, and Walker, fails to teach or suggest "assigning at least one entity ownership interest to respective progress notes stored in the database" and "allocating access fees among entities having an ownership interest assigned to the progress notes accessed by the users." Accordingly, it would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested to "assign ownership interest[s] to respective progress notes" and "allocate access fees" based on the assigned ownership interests as taught in claim 9. Therefore, applicant submits that claim 9 is in now in condition for allowance.

Regarding the rejection of claim 18, the applicant submits that the combination of Lavin, Evans, and Walker, does not render amended claim 18 unpatentable for at least the same reasons given above with regard to the rejection of claim 9. Therefore, claim 18 is believed to be in condition for allowance.


Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Lavin, Iliff, and Walker. The applicant has amended claim 21 to include means for "assigning at least one entity ownership interest to respective progress notes stored in the database" and "allocating access fees among entities having an ownership interest assigned to the progress notes accessed by

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the users." The applicant submits that amended claim 21 is not suggested or taught by Lavin, Evans, and Walker, alone or in combination. Even assuming, for arguments' sake, that the references were combinable, the recited features of claim 21 would be lacking in the combination suggested by the Office Action. Specifically, the combination of Lavin, Evans, and Walker, fails to teach or suggest "assigning at least one entity ownership interest to respective progress notes stored in the database" and "allocating access fees among entities having an ownership interest assigned to the progress notes accessed by the users." Consequently, it would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested to "assign ownership interest[s] to progress notes" and "allocate access fees" based on the assigned ownership interests as taught in claim 21. Therefore, applicant submits that claim 21 is in now in condition for allowance.

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that each claim defines patentable subject matter over the cited prior art. Therefore, applicant requests reconsideration of the application and early allowance of claims 1-4, and 6 -22 in light of the above remarks.

Respectfully submitted,



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